Orleans, and to provide means To establish a Public Park for the city of New therefor.

Limits.

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Section 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That so much of that piece (of) [or] parcel of land situated on the Metairie road in the city of New Orleans, and laid out by the city of New Orleans as a public park, and all such lands as may hereafter be abquired for that purpose by virtue of this act, shall hereafter be known and entitled as "The New Orleans Park."

Board of Com missioners.

SEC. 2. Be it further enacted, etc., That the said park shall be under the exclusive control and management of a board of commissioners to consist of five persons, who shall be named and styled "The Commissioners of the New Orleans Park." No action of the board shall be deemed final or binding unless it shall have received the approval of four members of the board, whose names shall be,

recorded in the minutes.

term of office,

SEC. 3. Be it further enacted, etc., That the Governor will appoint the Board of Commissioners. They shall hold their offices for five years, and shall receive no compensation for their services; each commissioner shall, nevertheless, be entitled to be reimbursed the amount of his personal expenses in visiting and superintending the said park, not exceeding the sum of three hundred dollars per annum. In case of vacancy, the same shall be filled by the remain ing members of the board for the residue of the term then vacant and all vacancies caused by expiration of terms of office or neglect or incapacity of qualification shall be filled by the Governor.

SEC. 4. Be it further enacted, etc., That the said board shall Powere of board, have the full and exclusive power to govern, manage and direct the said park; to lay out and regulate the same; to pass ordinances for the regulation and government thereof; to appoint such engineers, surveyors, clerks, and other officers, except the police force, as may be necessary; to prescribe and define their respective duties and authority; the amount of their compensation; and generally, sails things in regard to said park; they shall possess all the power and authority now by law conferred or possessed by the Council of the city in respect of the public squares and places in said city.

Commissioners not to be inter-ested in contracis.

Sec. 5. Be it further enacted, etc., That it shall be a misdemeanor. for any commissioner, directly or indirectly, to be in any way interested in any contract or work of any kind whatever, connected with said park; and it shall be the duty of any commissioner, up other person, who may have any knowledge or information of the violation of this provision, forthwith to report the same to the Govi ernor, who shall hear said commissioner in regard thereto; and if after such hearing, he shall be satisfied of the truth thereof, the Governor shall immediately remove the commissioner thus offending. Every commissioner shall, before entering upon the duties of his office, take and subscribe the oath prescribed by the constitution of the State, which oath, when subscribed, shall be filed in the office of the Secretary of State.

Sec. 6. Be it further enacted, etc., That the said board shall, annually, and in the month of January in each year, make and publish a full report of their proceedings, and a detailed statement of all their receipts and expenditures.

Reports.

SEC. 7. Be it the duty of the tax on the asses erty that is now purpose, of one by said city at same manner; 1 collected, shall commissioners . cent. shall be i mediately after it shall be impo for the year 18 taxes for that for the year 18 in addition ther by this act shal

Sec. 8. Be it commissioners ceived, in som credit of the c from except up commissioners; the same shall meeting duly c

SEC. 9. Be i. city of New O one grand rese

Sec. 10. Be board of comu pass such ordin rule and gove: nances and re ordinances sha five days in one said commissio

SEC. 11. Be against such and be punishi magistrate, by payment, by it collected shall

SEC. 12. Be commissioners mitted to the w all male person the district con cy. And it sl maintain a bri and the lake, using said can

SEC. 13. Bc are bereby aut between the 1 necessary and

Sec. 7. Be it further enacted, etc., That it shall be and it is made the duty of the city of New Orleans, to impose and levy an annual Tax. tax on the assessed value of all the real, personal, and mixed property that is now, or may hereafter be taxed by the city for any other purpose, of one-eighth of one per centum, which shall be collected by said city at the same time that it collects its taxes, and in the same manner; and the said tax of one-eighth of one per centum, as collected, shall be paid weekly by the Treasurer of said city to the commissioners of said park. The said tax of one-eighth of one per cent. shall be imposed and levied by the city of New Orleans, immediately after the passage of this act, for ten years thereafter; and it shall be imposed and levied on the assessment rolls of said city for the year 1869, and shall be collected when the city collects its taxes for that year. And no tax imposed and levied by said city for the year 1869, and for ten years hereafter shall be legal, unless, in addition thereto, the tax of one-eighth of one per cent. provided by this act shall be imposed and levied.

Sec. 8. Be it further enacted, etc., That all moneys received by the commissioners shall be deposited as fast as the same shall be re- Deposit, etc., of ceived, in some bank to be selected by the commissioners, to the moneys credit of the commissioners, and no moneys shall be drawn therefrom except upon a warrant [signed] by at least a majority of the commissioners; nor shall such moneys be drawn therefrom unless the same shall have been specially authorized by said board, at a meeting duly convened and entered at length upon their minutes.

SEC. 9. Be it further enacted, etc., That it shall be rightful for the Waterworks. city of New Orleans to establish and maintain within said park,

one grand reservoir for the City Waterworks.

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> Sec. 10. Be it further enacted, etc., That it shall be lawful for said board of commissioners, at any meeting thereof, duly convened, to Ordinances. pass such ordinances as they may deem necessary for the regulation, rule and government of said park, not inconsistent with the ordinances and regulations of the corporation of New Orleans; such ordinances shall, immediately upon their passage, be published for five days in one newspaper published in said city, to be selected by said commissioners.

Sec. 11. Be it further enacted, etc., That all persons offending against such ordinances shall be deemed guilty of misdemeanor, Oneuders and be punished, on conviction before the Mayor, Recorder, or any magistrate, by a fine not exceeding fifty dollars, and, in default of payment, by imprisonment not exceeding thirty days, and the fines collected shall be paid to the commissioners to be used for the park.

Sec. 12. Be it further enacted, etc., That it shall be lawful for the commissioners to put to work on said park all male persons com- Prisoners to mitted to the workhouse by any recorder or justice of the peace, and work on park. all male persons sentenced to imprisonment in the parish prison by the district court for burglary, larceny, perjury, robbery and vagrancy. And it shall be lawful for the commissioners to establish and maintain a bridge across the New Canal, between the Metairie road and the lake, provided that it be so built as to let pass all vessels using said canal.

Sec. 13. Be it further enacted, etc., That the said commissioners are hereby authorized to purchase, receive and hold such real estate Real estate. between the Metairie road and the Lake Pontchartrain as may be necessary and convenient in accomplishing the objects for which

said commissioners are appointed. They may, by their agents, surveyors, engineers and servants, enter upon all lands and tenements between the Metairie road and Lake Pontchartrain upon which the may conclude to establish said park, and survey and lay out, and construct the same, and may agree and contract for the land with the owner of the land which they may think necessary for the park! It said land belong to the estate of any deceased person, then with the executor or administrator of such, or in case of the same belong ing to a minor or a person non compos mentis, then with his or her. guardian or tutor, or in case said lands be held by trustees of school sections or other representatives of estates, then with such representatives sentatives. And said executors, administrators, tutors, guardiand and representatives are hereby declared competent for such estate; person or minor, to contract with said commissioners to use, occupy and possess the lands of such estates, persons and minors, so far as may be useful or necessary for the purposes of the park; and the? act or deed of such executors, administrators, tutors, guardians or representatives in relation thereto, shall pass a title in such lands in the same manner as if the said deed or act was made or done by legal owner of full age and sound mind; and such executor, administrator, tutor, guardian or representative shall account to those interested in their respective bonds for the amount paid him in pursuance of such agreement and composition; and if said commissioners and the parties representing lands prefer, they may refer the quest tion of compensation to arbitrators, mutually chosen, whose award or that of their umpire, (in case of disagreement), shall vest fitte: according to its terms.

How expropriated. Src. 14. Be it further enacted, etc., That if said commissioners are, mable to agree for the purchase of any real estate required for the use and purposes of said commissioners, as provided in the preceding section, or are unable to obtain the title thereon, they shall have the right to obtain title of the same in the following manner: The said commissioners may apply to any of the district courts for the parish of Orleans for the appointment of appraisers. The application shall substantially set forth and state—

First—It must be entitled so as to describe the court wherein or the judge to whom the application is made, and the character of the

Second—The real estate which the commissioners seek to acquire must be described by metes and bounds; and several parcels of land, owned by different persons, may be included in one application.

Third—That the commissioners have not been able to acquire the

land; and the reason of such inability.

Fourth.—The names of all owners or parties interested in said real estate, so far as the same are known to the applicant, must be set forth, and if not known, the fact must be stated. A copy of such application, and notice of the time and place the same will be presented, must be served on all persons named in said application, as owners or interested in said real estate, at least ten days prior to the presentation of the same; Provided. Such owners so named (and) are residents, and can be found within the State of Louisiana, and are not infants, idiots or persons of unsound mind; in that case, upon their tutors, curators or guardians.

SEC. 15. Be it further enacted, etc., That on presentation of the application to the court or judge therein named, and no person it

appearing to oppos torily appear from that service of noti said application up land has been mad appointing three reside in the city appraise the value those interested in sioners for their ] writing to the cou: shall be confirmed the proceedings of a description of th value of said real ( shall be deposited said owners. And ation of said repo against such confir confirmation, an or other appraisers t and the report of : firmed by said cou appraisal as afores: interested; provide

Sec. 16. Be it fu firming an appraisi copy of the same si veyances for the paremain a record; a in said commission as may therein be deposit of the amor as provided in sai thereof, with proof will be considered commissioners to t

SEC. 17. Be it for drain into the New in case they should lands shall not be l

ley may, by their agents, sar upon all lands and tenementa ontchartrain upon which the and survey and lay out, and d contract for the land with think necessary for the park! y deceased person, then with or in case of the same belong mentis, then with his or ber s be held by trustees of school tates, then with such represe inistrators, tutors, guardians d competent for such estate, commissioners to use, occupy persons and minors, so far as irposes of the park; and the strators, tutors, guardians or ll pass a title in such lands in or act was made or done by a :: and such executor, adminis 3 e shall account to those intermount paid him in pursuance? and if said commissioners fer, they may refer the quesitually chosen, whose award isagreement), shall vest fille

hat if said commissioners are al estate required for the provided in the precethereon, they shall have me following manner: The of the district courts for the. of appraisers. The applicadescribe the court wherein or

commissioners seek to acquire; inds; and several parcels of e included in one application. not been able to acquire the

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parties interested in said real o the applicant, must be set be stated. A copy of such d place the same will be prenamed in said application, as ... ate, at least ten days prior to Such owners so named (and) the State of Louisiana, and are... ind mind; in that case, upon

That on presentation of the erein named, and no person :: appearing to oppose said application, and whenever it shall satisfactorily appear from said application and proofs thereunto attached, that service of notice of the time and place of the presentation of said application upon all the owners and persons interested in said land has been made, the said court shall forthwith make an order appointing three disinterested and competent freeholders who reside in the city of New Orleans, as appraisers to ascertain and appraise the value of said lands, or compensation to be made to those interested in the lands proposed to be taken by said commissioners for their purposes; the appraisers shall make a report in writing to the court, and, if not opposed within ten days, the same shall be confirmed by the court, and an order shall be made reciting the proceedings of the appraisal, the confirmation of the same, and a description of the real estate, and directing to whom the money or value of said real estate is to be paid, or in what manner the same shall be deposited by said commissioners for the use and benefit of said owners. And if any person shall appear to oppose the confirmation of said report, the said court shall hear the parties for and against such confirmation, and if said court shall decide against such confirmation, an order shall be entered directing said appraisers or other appraisers to proceed to a reappraisal of the said premises, and the report of said appraisers shall be final, and shall be confirmed by said court; and the order of said court confirming any appraisal as aforesaid, shall be final and conclusive on all parties interested; provided, that an appeal will lie to the Supreme Court.

Sec. 16. Be it further enacted, etc., That the order of said court confirming an appraisal of lands as heretofore provided, or a certified copy of the same shall be filed in the office of the Recorder of Conveyances for the parish wherein the land is situated, and there shall remain a record; and such order so entered and recorded shall vest in said commissioners the lands described therein, and such estate as may therein be set forth on the payment or tender of payment or deposit of the amount of the appraisal and damages by said company, as provided in said order; and said order, or a duly certified copy thereof, with proof of such payment and deposit as therein provided. will be considered as legal evidence of the title and estate of the commissioners to the real estate.

Sec. 17. Be it further enacted, etc., That said commissioners may drain into the New Canal all the lands constituting the park; and Drainage. in case they should determine to do their own drainage the said lands shall not be liable to any drainage tax.

SEC. 18. Be it further enacted, etc., That the said commissioners are authorized and empowered from time to time to borrow money for To borrow the purpose of constructing said park, and as evidence of the indebt-courses. edness of said commissioners for such loans they may issue their corporate bonds or promissory notes, bearing interest at a rate not to exceed eight per cent. per annum; and to secure the payment of said bonds and notes may mortgage its real and personal property, as well as the land now belonging to the city of New Orleans, known as the City Park; and the said commissioners may sell, dispose of, or negotiate said bonds or notes, at such times and places and at such rates and for such prices, either within or without the limits of this State, as in their judgment will best advance their interests: and if such bonds or notes are thus sold at a discount, such sale shall be in all respects valid and binding for the par value thereof as if the same had been sold at par value.



Buits by and against.

Sec. 19. Be it further enacted, etc., That said Commissioners of the New Orleans Park can sue and be sued, and service of process can be made only by service of the same on the president, or at their office on the secretary, or one of the commissioners, at the office of the commissioners.

Sec. 20. Be it further enacted, etc., That this act shall be favorably Bow construed, construed, so as to favor all the purposes and objects of the same, and the operations of the provisions thereof, and shall take effect from and after its passage.

(Signed)

MORTIMER CARR, Speaker of the House of Representatives.

(Signed)

OSCAR J. DUNN, Lieutenant Governor and President of the Senate.

Approved March 16, 1870.

H. C. WARMOTH,

(Signed)

Governor of the State of Louisiana.

A true copy:

GEO. E. BOVEE,

Secretary of State.

No. 85.]

AN ACT

Authorizing the assessment and collection of a special tax of twenty-five thousand dollars to rebuild a Courthonse in the parish of Rapides.

Section 1. Be it enacted by the Senate and House of Representatives Tax to be levied, of the State of Louisiana, in General Assembly convened, That there and its purpose, he a special tax of twenty-five thousand dollars, not to exceed one per cent. of all the property, real and personal, of the parish of Rapides, levied upon all the property, real and personal, of said parish, for the purpose of erecting a courthouse and enclosing it within an iron ience: said courthouse to be erected within the town of Alexandria, parish and State aforesaid. The cost of said courthouse shall not exceed the sum of twenty-five thousand dollars, and the assessor of said parish is hereby authorized and empowered to assess upon all the property, real and personal, in said parish, at a rate not to exceed one per cent., sufficient to raise the tax of twentytive thousand dollars, for the purposes above specified, and no more.

Sec. 2. Be it further enacted, etc., That the said sum of twenty-five thousand dollars, when so assessed and collected, shall be paid into the treasury of the State for the purposes set forth in section one of this act, to be drawn therefrom as hereinafter provided, and the Treasurer of the State shall not appropriate the amount so deposited for any

Deposit of tax.

other purpose. Sec. 3. Be it further enacted, etc., That the district judge of the Ninth Judicial District, for the parish of Rapides, shall appoint five of construction. Commissioners of Construction, a majority of whom shall constitute a quorum for the transaction of business. Said commissioners shall cause to be drafted plans and specifications of said courthouse, and designate the kind and quality of material to be used in the construction thereof, and have all powers and privileges necessary for carrying out the provisions of this act.

SEC. 4. Be it shall contract wi house in accorda the said commis to time, draw from so deposited, equ giving voucher in Treasurer of the

SEC. 5. Be it ; for the parish of sum of twenty-fiv and to complete year one thousan and collector she his duties, to be

SEC. G. Be it governed by the and shall have al ment and collect law for the asses shall be regulate

SEC. 7. Be it 1 conflicting with t repealed, and the (Signed)

(Signed)

Approved Mar (Signed)

A true copy: GEO.

No. 86.7

Creating a Joint Co gate the affairs Company.

Be it resolved. of Louisiana, in tee of five, two f sentatives, be ap Speaker of the 1 and examine int Western Railros and the validity stockholders the nor of the State the interest of tl